

FILED
DEC - 1 2017
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

Civil Action No. 3:17CV621-HEH

On September 27, 2017, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on November 15, 2017, the Court directed Plaintiff to pay an initial partial filing fee of \$12.25 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Instead, Plaintiff submitted a letter wherein he acknowledges that he has \$28.00 in his prison account, but he declined to pay the initial partial filing fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without

prejudice. Plaintiff's Motion to Continue (ECF No. 8) will be denied.

An appropriate Order shall accompany this Memorandum Opinion.

Date: Nov. 20, 2017
Richmond, Virginia

WEL /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE